ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. xcix.

An Act to enable the *Liverpool, Crosby, and Southport* Railway Company to sell or lease their Railway to the *Lancashire and Yorkshire* Railway Company. [14th *August* 1850.]

WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, for making a Railway from the *Liverpool and Bury* Railway near *Liverpool*, through *Crosby*, to the Town of *Southport*, by which Act a Company was incorporated by the Name of "The *Liverpool, Crosby, and Southport* Railway Company:" And whereas by "The *Manchester and Leeds* Railway Act, 1836," a Company was incorporated by the Name of "The *Manchester and Leeds* Railway Company," for the Purpose of making the Railway and Works in the said Act mentioned: And whereas by several Acts passed respectively in the First, Second and Third, Fourth and Fifth, Seventh and Eighth, Eighth and Ninth, Ninth and Tenth, Tenth and Eleventh, Eleventh and Twelfth, and Twelfth and Thirteenth Years of the Reign of Her present Majesty, further and additional Powers were

granted to such last-mentioned Company, and by "The *Manchester and Leeds* Railway Act, No. 3., 1847," the Name of the said *Manchester and Leeds* Railway Company was changed to that of the *Lancashire and Yorkshire* Railway Company: And whereas the said *Liverpool, Crosby, and Southport* Railway forms a Junction with the Line of the *Lancashire and Yorkshire* Railway, and the same would be worked very advantageously to the Public in connexion with the said *Lancashire and Yorkshire* Railway, and it is therefore expedient that the *Liverpool, Crosby, and Southport* Railway Company should be authorized to sell or lease their Undertaking to the said *Lancashire and Yorkshire* Railway Company, and that the last-named Company should be authorized to accept a Transfer or Lease of the same; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Liverpool, Crosby, and Southport* Railway Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some extraordinary General Meeting of the said Company specially convened for the Purpose, to sell and transfer to the said "*Lancashire and Yorkshire* Railway Company," and for the said "*Lancashire and Yorkshire* Railway Company," by and with a like Authority on the Part of the Proprietors in the said last-mentioned Company, to purchase the Undertaking authorized by the said "*Liverpool, Crosby, and Southport* Railway Act, 1847," or as the same may be authorized to be carried into effect by any Act or Acts which may be passed in the present Session, or any Portion or Portions thereof, or any Share or Interest therein, and whether before or after the Completion thereof, (but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same,) together with all and every or any of the Rights, Powers, and Privileges conferred by the said "*Liverpool, Crosby, and Southport* Railway Act, 1847," on the Company thereby incorporated, or which may by any Act or Acts to be passed in the present Session be conferred upon such Company, with reference to the said Undertaking; and on the Completion of such Purchase, of which Completion a Transfer or Conveyance under the respective Corporate Seals of the said Companies, and duly stamped as herein-after mentioned, shall be sufficient Evidence, the Company so purchasing the same may have and hold the said Undertaking, or the Share therein or Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of, the said Rights, Powers,

Power to sell the Liverpool, Crosby, and Southport Railway.

Powers, and Privileges, or such of them as shall be thereby granted or transferred: Provided always, that in the event of any Portion of the said Undertaking being purchased by the said *Lancashire and Yorkshire* Railway Company, then, from and after the Completion of such Purchase, all the Powers and Authorities granted by the said "*Liverpool, Crosby, and Southport* Railway Act, 1847," or by any Act or Acts which may be passed during the present Session, with reference to the said Undertaking, may be exercised, so far as they are applicable, by the said *Lancashire and Yorkshire* Railway Company, or their Directors, Officers, Agents, or Servants; and the Corporate Seal of the said *Lancashire and Yorkshire* Railway Company may be used, when necessary, in reference thereto, in like Manner as though such Railway Company had been originally authorized to carry the same into effect, in lieu of the said *Liverpool, Crosby, and Southport* Railway Company.

On Execution of Conveyance, Liverpool, Crosby, and Southport Railway Company dissolved.

II. And be it enacted, That upon the Execution of a Deed or Instrument of Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the whole of the Purchase Money at or for which the *Liverpool, Crosby, and Southport* Railway Company may so agree to sell the whole of their said Undertaking as aforesaid, and when and so soon as all the Debts, pecuniary Liabilities, and Engagements of the said Company shall be paid, discharged, and fulfilled, the said *Liverpool, Crosby, and Southport* Railway Company shall be dissolved.

Debts, &c. of Liverpool, Crosby, and Southport Railway Company transferred to Lancashire and Yorkshire Railway Company.

III. And be it enacted, That from and immediately after the Execution of the said Deed all Debts then due on Mortgage or Bond or Simple Contract, or otherwise howsoever, from or to the *Liverpool, Crosby, and Southport* Railway Company, shall be payable and paid by or to the *Lancashire and Yorkshire* Railway Company; and all Rates, Tolls, Duties, and Monies which shall be or become, or which, if this Act had not been passed, would be or become, due and payable under and by virtue of the said recited Act relating to the *Liverpool, Crosby, and Southport* Railway Company, or otherwise, from or to the said Company, shall be due and payable from or to the *Lancashire and Yorkshire* Railway Company, and shall and may be recovered from and by such last-named Company by the same Ways and Means, with the same Restrictions and Regulations, as the same would or might have been due and payable to or from or recoverable from or by the said *Liverpool, Crosby, and Southport* Railway Company, in case this Act had not been passed.

IV. And

Effect of Conveyance Contracts, &c. of or to the Liverpool, Crosby, and Southport Railway Company.

IV. And be it enacted, That from and after the Execution of the said Deed all Conveyances, Contracts, Agreements, Obligations, Mortgages, Liabilities, Bonds, Covenants, and Securities which shall have been theretofore made or entered into with, by, or for the *Liverpool, Crosby, and Southport* Railway Company, shall, subject to the Provisions in this Act contained, be and remain as good, valid, and effectual for or against or with reference to the *Lancashire and Yorkshire* Railway Company, to all Intents and Purposes, as if the last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein, instead of the *Liverpool, Crosby, and Southport* Railway Company.

Rights of Action by or against Liverpool, Crosby, and Southport Railway Company to be valid for or against Lancashire and Yorkshire Railway Company.

V. And be it enacted, That from and after the Execution of the said Deed all Injuries, Misfeasances, Nonfeasances, and other Rights of Action which shall have been theretofore done or committed, or omitted to be done, or accrued, by, to, or for or against the *Liverpool, Crosby, and Southport* Railway Company, shall, subject to the Provisions in this Act contained, be and remain as good, valid, and effectual, for or against the *Lancashire and Yorkshire* Railway Company, to all Intents and Purposes, as if the same had been done or committed, or omitted to be done, or had accrued, by, to, for, or against the last-mentioned Company.

Power to lease the Railway.

VI. And be it enacted, That it shall be lawful for the said *Liverpool, Crosby, and Southport* Railway Company, by and with the Authority and Approbation of Three Fifths in Value of the Proprietors present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time to demise, lease, or convey, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions, as they shall think proper, the said *Liverpool, Crosby, and Southport* Railway, as authorized or as may be authorized to be made, and whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, to the said *Lancashire and Yorkshire* Railway Company, for any Term which shall be agreed upon, or in Perpetuity; and the said *Lancashire and Yorkshire* Railway Company is hereby authorized, with the like Authority and Approbation of the Proprietors therein, to enter into and accept any such Lease or Leases, Conveyance or Conveyances; and every such Lease or Conveyance shall entitle the Lessees to the free Use and Enjoyment of the said Railway and Works connected therewith, or such Share or Interest therein, or such Portion or Portions thereof, as may be included in such Lease or Conveyance respectively; and during the Continuance

of any such Lease or Conveyance all such of the Powers, Privileges, and Authorities granted to, or which are or may be held, used, exercised, and enjoyed by, the said *Liverpool, Crosby, and Southport* Railway Company, or the Directors thereof, or the Officers, Agents, or Servants, under or by virtue of the Act or Acts relating to the said Undertaking, as shall be comprised in and leased or granted by such Lease or Conveyance, shall in like Manner, and to the same Extent in all respects, apply to, and be held, used, exercised, and enjoyed by, the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions in reference to the Objects aforesaid as are granted or imposed or may be granted or imposed by Parliament to or upon the said *Liverpool, Crosby, and Southport* Railway Company.

Receipt of Three Directors of the Liverpool, Crosby, and Southport Railway Company sufficient Discharge.

VII. And be it enacted, That the Receipt or Receipts in Writing of Three of the Directors for the Time being of the said *Liverpool, Crosby, and Southport* Railway Company, for the Purchase Money to be payable to the same Company as aforesaid, and for any other Money which may be payable to them by the *Lancashire and Yorkshire* Railway Company, under the Provisions of this Act, shall effectually discharge the said *Lancashire and Yorkshire* Railway Company from the Sum or Sums which in such Receipt or Receipts shall be expressed or acknowledged to be received; and such last-mentioned Company shall not be obliged or concerned to see to the Division or Distribution thereof among the Shareholders of the said *Liverpool, Crosby, and Southport* Railway Company, or be otherwise answerable or accountable for any Loss, Misapplication, or Non-application thereof or any Part thereof.

Application of Purchase and other Monies.

VIII. And be it enacted, That the Directors for the Time being of the said *Liverpool, Crosby, and Southport* Railway Company shall stand possessed of the said Purchase Money or such annual or other Rent as aforesaid, and also of all other Sum and Sums of Money which at the Time of the Payment of the said Purchase Money shall be in their Hands, or in the Hands of the Treasurer of the said *Liverpool, Crosby, and Southport* Railway Company, or otherwise under the Control of the said Directors, and also all Sum and Sums of Money which shall or may at any Time or Times thereafter be received by or come into the Hands of the said Directors on account of or for the Benefit of the Proprietors of the *Liverpool, Crosby, and Southport* Railway Company, upon trust, after paying all the Debts, Liabilities, and Engagements of the *Liverpool, Crosby, and Southport* Railway Company, or such of them as the said *Lancashire and Yorkshire* Railway Company shall not, with the Consent of the several Parties to whom the same

respectively shall be owing, have agreed to pay or be responsible for, to divide the same between the several Persons who at the Time of the Payment of the said Purchase Money or other Money as aforesaid shall be the Proprietors of Shares in the Capital of the *Liverpool, Crosby, and Southport* Railway Company, in proportion to the Number of respective Shares therein, and their respective Executors, Administrators, and Assigns.

Persons whose Names appear in the Books as Proprietors to be deemed such, until the contrary be proved.

IX. And be it enacted, That the several Persons whose Names shall appear in the Books of the *Liverpool, Crosby, and Southport* Railway Company to be the Proprietors of Shares therein shall, until the contrary be proved to the Satisfaction of the said Directors, or unless the said Directors shall have Notice to the contrary, be considered to be the Persons entitled to a distributive Part or Share of the Purchase Money, and of the other Monies hereby directed to be divided amongst the Proprietors of the said Company.

Power to enter into Contracts with the Lancashire and Yorkshire Railway Company.

X. And be it enacted, That it shall be lawful for the *Liverpool, Crosby, and Southport*, and *Lancashire and Yorkshire* Railway Companies, from Time to Time to make and enter into Contracts or Agreements for effecting the Purposes aforesaid or either of them, and for otherwise working and using the said Railway or any Part or Parts thereof respectively, or for the Construction, Maintenance, and Repair thereof, or for or in respect of the Traffic passing along the same or any Part thereof, as the said Companies may, under the Sanction of any General Meetings of the said respective Companies, as herein-before provided, deem advisable, and subject to such Terms and Conditions as may be mutually agreed on.

Power for Lancashire and Yorkshire Railway Company to raise additional Capital by issuing of new Shares.

XI. And be it enacted, That for the Purposes aforesaid it shall be lawful for the said *Lancashire and Yorkshire* Railway Company, by an Order of any General or Special General Meeting of the same Company, to raise, in addition to the Sums of Money which they are authorized to raise by virtue of the said recited Acts relating to their Undertakings, or any of them, any Sum or Sums of Money not exceeding the Sums of Money authorized to be raised by Shares or Mortgage by the said "*Liverpool, Crosby, and Southport* Railway Act, 1847," or which may be authorized to be raised by any Act of the present Session relating to the said Undertaking, and for that Purpose to issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such Manner, and to such Person or Persons, and on such Conditions, and with such Preference or Priority of Dividend, not exceeding after the Rate of Ten Pounds *per Centum per Annum*, and generally on such Terms as by the Order

Order of any such Meeting of the said Company shall be determined; or it shall be lawful for the said *Lancashire and Yorkshire* Railway Company, if they think fit, to raise such Sums of Money or any Part thereof by Mortgage of their several Undertakings, and all the Provisions contained in or referred to by the said "*Lancashire and Yorkshire* Railway Act, 1849," with regard to the Capital and Monies thereby authorized to be raised by Shares or Mortgage, and to the Shares thereby authorized to be created, and to the Proprietors thereof, shall in all respects (subject to the Provisions herein contained, and to the Order of any such Meeting of the said Company,) be applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage, and to the Shares hereby authorized to be created, and to the Proprietors thereof: Provided nevertheless, that Five Pounds *per* Share shall be the greatest Amount of any One Call which the said Company may make upon the Shareholders in respect of each of such Shares, and Two Months at the least shall be the Interval between successive Calls; and provided also, that until the whole of the Capital in Shares and Stock for the Time being of the said *Lancashire and Yorkshire* Railway Company shall have been subscribed, and One Half thereof paid up, it shall not be lawful for the Company to raise such Sums, or any Portion thereof, by Mortgage; and provided also, that the Company shall not by any such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertakings beyond the Proportion of One Third of their then existing Capital in Shares and Stock; and provided also, that neither any Rent which may be payable under the Provisions of this Act, nor any Preference or Priority in the Payment of Dividends which may be assigned to any Shares to be created by the said *Lancashire and Yorkshire* Railway Company by virtue of this Act, shall prejudice or affect any Preference or Priority in the Payment of Dividends which may have been assigned to any other Shares in the said Company created prior to the passing of this Act, by or in pursuance of or which may have been confirmed by any previous Act relating to the said Company, or which may otherwise be lawfully subsisting.

Tolls to be taken in the event of Sale or Lease to Lancashire and Yorkshire Railway Company.

XII. And be it enacted, That in the event of any such Lease, Conveyance, or Sale of the *Liverpool, Crosby, and Southport* Railway as aforesaid being made to the *Lancashire and Yorkshire* Railway Company, under the Provisions of this Act, the Tolls to be taken by the last-mentioned Company in respect of the said *Liverpool, Crosby, and Southport* Railway shall, from and after such Lease or Sale, be the Tolls authorized by the "*Liverpool, Crosby, and Southport* Railway Act, 1847," to be taken in respect of such Railway.

XIII. And

Saving Share of Tolls of East Lancashire Railway Company.

XIII. And whereas the *East Lancashire* Railway Company are jointly interested with the *Lancashire and Yorkshire* Railway Company in so much of the *Lancashire and Yorkshire* Railway as lies between *Liverpool* and the Point of Junction therewith of the *Liverpool, Crosby, and Southport* Railway: Be it enacted, That, notwithstanding any Lease or Conveyance of the *Liverpool, Crosby, and Southport* Railway to the *Lancashire and Yorkshire* Railway Company, under the Powers of this Act, the *East Lancashire* Railway Company shall have the same proportionate Interest in the Tolls, Rates, and Charges payable and paid in respect of all Descriptions of Traffic coming or conveyed upon the said joint Portion of Railway from or to the *Liverpool, Crosby, and Southport* Railway as they would have been entitled to if this Act had not been passed in the Tolls, Rates, and Charges which would in that Case have been payable in respect of the same Traffic.

Interest not to be paid on Calls paid up.

XIV. And be it enacted, That it shall not be lawful for the said *Lancashire and Yorkshire* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of the Company's Capital.

XV. And be it enacted, That it shall not be lawful for the said Companies or either of them, out of any Money by this Act or any other Act relating to the said Companies authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Companies or either of them to construct any other Railway or to execute any other Work or Undertaking.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98.,

XVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in

in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by the said recited Acts authorized, or the said Companies, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Companies so far as the same shall be applicable thereto. 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

Railways not exempt from Provisions of future general Acts.

XVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the first-recited Act or this Act.

Expenses of Act.

XVIII. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the said *Liverpool, Crosby, and Southport* Railway Company, *pari passu* with the Costs, Charges, and Expenses of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Money that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title.

XIX. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, and in Pleadings, legal Instruments, and Documents of every Description, it shall be sufficient to use the Expression "The *Liverpool, Crosby, and Southport* Railway (Sale or Lease) Act, 1850."

The Liverpool, Crosby, and Southport Railway (Sale or Lease) Act, 1850.

Public Act.

XX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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